

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION**

UNITED STATES OF AMERICA)	Criminal Case No. 4:01cr70057-1
)	
v.)	2255 FINAL ORDER
)	
CHARLES LEE TORIAN,)	By: Norman K. Moon
Petitioner.)	United States District Judge

In accordance with the memorandum opinion entered this day, it is hereby **ORDERED** that Torian's motion (Docket No. 55) is **CONSTRUED** as a motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255 and is **DISMISSED without prejudice** as successive; and the case is **STRICKEN** from the active docket.

Further, I find that Torian has not made the requisite showing of the substantial denial of a constitutional right as required by 28 U.S.C. § 2253(c) and, therefore, a certificate of appealability is **DENIED**.

ENTER: This 13th day of April, 2015.



NORMAN K. MOON
UNITED STATES DISTRICT JUDGE